

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation,

No. MDL 15-02641-PHX-DGC

Doris Jones, an individual,
Plaintiff,

No. CV16-0782-PHX-DGC

v.

ORDER

C. R. Bard, Inc., a New Jersey corporation;
and Bard Peripheral Vascular, Inc., an
Arizona corporation,
Defendants.

The parties have submitted additional deposition excerpts for the Court's review. This order includes the Court's ruling on objections contained in the excerpts. The order will identify objections by the number of the deposition page on which they appear. If more than one objection appears on a page, the order will identify the line on which the objection starts. Where an objection is sustained, the order will identify the page and lines that should be omitted, but if no lines are identified, the objection is sustained with respect to all designated testimony on that page.

A. Carol Vierling.

1. 37 – overruled.

2. 78 – overruled.

1 3. 97 – overruled.

2 4. 106 – overruled.

3 5. 107 – overruled.

4 6. 139 – overruled.

5 7. 148 – overruled.

6 B. Daniel Orms.

7 1. 99 – overruled. Question is inquiring into what witness knew, and he is
8 competent under Rule 602 to answer that question.

9 2. 101 – overruled. Objection not clear.

10 3. 222-23 – overruled.

11 4. 225 – sustained.

12 5. 226-27 – sustained. Witness asked only to restate what is in the document.

13 6. 228:8-13 – sustained. Otherwise overruled.

14 7. 230 – overruled.

15 8. 248 – overruled.

16 9. 253 – overruled.

17 10. 254 – overruled.

18 11. 261 – overruled.

19 C. Christopher Smith.

20 1. 38 – overruled. Question is inquiring into what witness knows, and he is
21 competent under Rule 602 to answer that question.

22 2. 41-42 – overruled. Same.

23 3. 51 – overruled. Same.

24 4. 53 – overruled. Same.

25 5. 81 – overruled.

26 6. 82:16 to 83:11 – sustained.

27 7. 84:7-16 – sustained.

28 8. 85 – overruled.

- 1 9. 120-21 – overruled.
- 2 10. 124 – overruled.
- 3 11. 131 – No objection to testimony.
- 4 12. 136 – overruled.
- 5 13. 137 – overruled.
- 6 14. 140:1-22 – sustained.
- 7 15. 158:10 to 159:5 – sustained.
- 8 16. 160 – overruled.
- 9 17. 162 – overruled.
- 10 18. 165:16 to 166:2 – sustained.
- 11 19. 169:19 to 170:2 – sustained.
- 12 20. 180:23 to 181:8 – overruled.
- 13 21. 181 – overruled.
- 14 22. 182:8-18 – sustained.
- 15 23. 187 – overruled.
- 16 D. Melanie Vilece Sussman.
- 17 1. 48 – sustained. Rule 403.
- 18 2. 69 – sustained.
- 19 3. 119 – overruled.
- 20 4. 122 – overruled.
- 21 5. 126 – overruled.
- 22 6. 131 – No objection to testimony.
- 23 7. 138 – overruled.
- 24 8. 141 – No objection to testimony.
- 25 9. 143 – overruled.
- 26 10. 145 – overruled.
- 27 11. 149 – overruled.
- 28 12. 159-60 – overruled.

- 1 13. 161:6-15 – sustained.
- 2 14. 166 – No objection to testimony.
- 3 15. 167 – sustained.
- 4 16. 168:1-7, 11-21 – sustained.
- 5 17. 169 – overruled.
- 6 18. 171:13-19 – sustained.
- 7 19. 172 – overruled.
- 8 20. 185 – No objection to testimony.
- 9 21. 188:6-12, 17-20 – sustained.
- 10 22. 189:13-15 – sustained.
- 11 23. 190:8-17 – sustained.
- 12 24. 191 – overruled.
- 13 25. 194 – overruled.
- 14 26. 233-34 – overruled.
- 15 27. 237 – start question at “Do you recall ever speaking . . .”
- 16 28. 241 – overruled.
- 17 29. 247-48 – overruled.
- 18 30. 249 – overruled.
- 19 31. 262-63 – sustained. Only relevant information is hearsay in question.
- 20 E. Dr. Anthony Avino.
- 21 1. 13 – overruled.
- 22 2. 1624 to 17:2 – overruled. Leading, but no objection, so waived.
- 23 3. 17:3-8 – sustained. Leading.
- 24 4. 17:10-20 – overruled. Leading, but no objection, so waived.
- 25 5. 17:21 to 18:1 – sustained. Leading.
- 26 6. 18:9-17 – sustained. Rules 403, 602. Without thorough knowledge,
- 27 witness appears to confuse FDA approval and clearance, an important distinction in this
- 28 case.

- 1 7. 19:19 to 20:1 – sustained. Leading.
- 2 8. 20:7-11 – sustained. Leading.
- 3 9. 21:25 to 22:7 – sustained. Leading.
- 4 10. 34 – sustained as to sentence on lines 21-22, ending with “best filters.”

5 Rule 404(a).

- 6 11. 37:2-7 – sustained. Leading.
- 7 12. 40 – overruled.
- 8 13. 64 – No objection to testimony.
- 9 14. 65:11 to 66:9 – sustained.
- 10 15. 67:1 – overruled.
- 11 16. 67:10 – No objection to testimony.
- 12 17. 68:22 to 69:5 – overruled.
- 13 18. 69:7-20 – sustained. Rule 602.
- 14 19. 76 – overruled.
- 15 20. 79 – No objection to testimony.
- 16 21. 81 – overruled.
- 17 22. 82 – overruled.
- 18 23. 84 – overruled.
- 19 24. 85 – overruled.
- 20 25. 91 – overruled.
- 21 26. 108 – overruled.
- 22 27. 112:24 to 113:1 – sustained.
- 23 28. 113 – overruled.

24 F. Christopher Ganser.

- 25 1. 38 – overruled.
- 26 2. 83 – overruled.
- 27 3. 86-87 – overruled.
- 28 4. 133 – overruled.

Dated this 11th day of May, 2018.

David G. Campbell
United States District Judge